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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,210	03/17/2005	Stephen R. Smith	3323	9149

21834 7590 10/23/2006

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EXAMINER

GOUGH, TIFFANY MAUREEN

ART UNIT	PAPER NUMBER
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1657

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/528,210	3/17/2005	Smith, Stephen	

EXAMINER

Tiffany Gough

ART UNIT	PAPER
1657	20061010

DATE MAILED:

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Commissioner for Patents

Applicant's response filed 08/07/2006 has been received . Claims 1-22 have been cancelled by applicant. New claims 23-48 have been submitted.

Newly submitted claims 23-48 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Applicant originally submitted claims drawn to a composition. The newly submitted claims are drawn to method claims.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 23-48 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The inventions listed in claims 22-48 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: **they do not make a contribution over the art as set forth in the Office Action dated 04/04/2006**

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The reply filed on 08/07/2006 is not fully responsive to the prior Office action because of the following omission(s) or matter(s): there are no claims drawn to original presentation. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. Since this application has been granted special status under the accelerated examination program, **NO** extensions of time under 37 CFR 1.136(a) will be permitted.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany M. Gough whose telephone number is 571-272-0697. The examiner can normally be reached on M-F 8-5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon Weber can be reached on 571-272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tiffany Gough

A handwritten signature in black ink, appearing to be 'RD' with a long, sweeping horizontal line extending to the right.

RUTH DAVIS
PRIMARY EXAMINER